

SECTION

207.XXX

TABLE OF CONTENTS

<u>207.000</u>	<u>Overview</u>
<u>207.100</u>	<u>Introduction to Employment Services Program (ESP)</u>
<u>207.110</u>	<u>Completion of an Employment Development Plan (EDP)</u>
<u>207.115</u>	<u>Program Participation</u>
<u>207.120</u>	<u>Employment Services Program (ESP) Participation Components</u>
<u>207.130</u>	<u>Basic Job Search and Structured Job Search</u>
<u>207.140</u>	<u>Educational Component</u>
<u>207.150</u>	<u>Skills Training Component</u>
<u>207.160</u>	<u>Supported Work Component</u>
<u>207.170</u>	<u>TEMP Community Service Program Component</u>
<u>207.180</u>	<u>Full Employment Program</u>
<u>207.185</u>	<u>Post-Employment Services Component</u>
<u>207.200</u>	<u>Failure to Meet Employment Development Plan (EDP) Requirements or the Work Program Requirements</u>
<u>207.205</u>	<u>Restoration of TAFDC Benefits and ESP Participation</u>
<u>207.210</u>	<u>Employment Services Program Support Services</u>
<u>207.230</u>	<u>ESP Educational Component and Child-Care Services for Nonrecipient Minor Parent Under Age 18</u>
<u>207.250</u>	<u>Appeals</u>

207.000: Overview

This chapter contains the regulations for the Employment Services Program (ESP), which is administered by the Department under the authority of Massachusetts General Law Chapter 118.

Except as specified in 106 CMR 207.000(C), a grantee, including a sanctioned or ineligible grantee who is a parent, except an SSI parent, with a child must participate in ESP in accordance with the criteria below.

- (A) If the youngest child in the assistance unit or who would be in the assistance unit but is ineligible as specified in 106 CMR 204.305(E)(1),(2) or (3) is age two or older, the grantee must participate in ESP unless he or she is employed for 20 or more hours per week unless exempt as specified in 106 CMR 203.100 or meets a good cause reason as specified in 106 CMR 701.380. The grantee must participate in either the TEMP Community Service component or the Full Employment Program component or, if the youngest child is between the ages of two and mandatory full-time school age, participate in a Department approved education or training activity as specified in 106 CMR 203.400(A)(2). The grantee must participate for 20 hours per week, or if working for compensation, the difference between the number of hours worked per week and 20 hours.

If there are slots available in any other ESP component, the grantee may be required to participate in such component. Additionally, if the grantee is meeting his or her Work Program requirement by working for compensation, participating in the TEMP Community Service Program, or participating in a combination of the two, the grantee, subject to appropriations, may volunteer to participate in the Full Employment Program.

- (B) A grantee, including sanctioned and ineligible grantees, must participate in the Educational Component (high school or GED) of ESP if he or she is a teen parent and has not graduated from high school or obtained the equivalency of a high school diploma. See 106 CMR 207.140.
- (C) If a dependent child is 16 to 18 years of age and is not attending school, the dependent child must participate in ESP.
- (D) All other applicants and recipients may volunteer to participate in ESP, subject to appropriations.

207.100: Introduction to Employment Services Program (ESP)

Orientation

Applicants and recipients shall be provided with a description of the TAFDC Program which focuses on obtaining a job, employment services to assist in obtaining a job, activities that will lead to a job, Employment Services Program (ESP) component requirements and opportunities, and information on child-care services.

All applicants and recipients shall be informed of their ESP requirements as specified in 106 CMR 207.000, the rights and responsibilities associated with their ESP requirements, the good cause criteria, and how to enter ESP.

207.110: Completion of an Employment Development Plan (EDP)(A) Developing an Employment Development Plan (EDP)

- (1) An Employment Development Plan (EDP) will be completed annually for the following:
 - (a) a grantee who the Department has determined must participate in an Employment Services Program (ESP) component because of the availability of unfilled component placement slots;
 - (b) a grantee who has volunteered to participate in an ESP component;
 - (c) all teen parents who have not graduated from high school;
 - (d) a grantee needing support services to work or to participate in an ESP education, training or job search component;
 - (e) a dependent child 16 to 18 years of age who is not in school and must participate in the ESP Educational Component;
 - (f) a grantee or an ineligible grantee specified in 106 CMR 203.400(A)(2) referred to TEMP Community Service Program who:
 1. volunteers to participate in TEMP;
 2. has been mandated to participate in the TEMP Community Service Program because of failure to comply with another program requirement; and
 3. needs support services to participate in TEMP;
 - (g) a grantee who is participating in the Full Employment Program; or
 - (h) any other grantee determined by the Department.
- (2) An initial assessment interview shall be conducted by a Department worker at application or the eligibility review and shall include, but is not limited to, the following:
 - (a) the collection of information about the individual's educational and employment background;
 - (b) a discussion of the available services to assist the individual in obtaining and maintaining a job;
 - (c) a review of the individual's ESP requirements as specified in 106 CMR 207.000; and
 - (d) a discussion of the available ESP components that will best serve the goal of obtaining a job.

**Transitional Aid to Families with Dependent Children
Employment Services Program**

- (3) The following criteria are used in developing an EDP with the participant:
 - (a) the results of the initial assessment of the participant's skills, work experience and education;
 - (b) available program resources to support the participant in the activity and the employment goal;
 - (c) the participant's need for and the availability of support services as specified in 106 CMR 207.210;
 - (d) the participant's vocational and employment interests;
 - (e) employment opportunities in the northeast regional labor market as found in the Dictionary of Occupational Titles, Occupational Outlook Handbook and Labor Market Surveys; and
 - (f) the component requirements as specified in 106 CMR 207.120 through 106 CMR 207.180.
- (4) The EDP shall contain:
 - (a) the individual's employment goal and the activities needed to meet the employment goal;
 - (b) ESP component activities in which the individual will participate;
 - (c) the identification of necessary support services, if appropriate, and the name of the provider of the support services; and
 - (d) the anticipated start and end dates for the above activities.

**Transitional Aid to Families with Dependent Children
Employment Services Program**

- (5) An EDP shall be approved when all of the following criteria have been met:
- (a) the EDP is consistent with the regulations found in 106 CMR 207.000 through 207.180 and 106 CMR 203.400;
 - (b) the activities specified in the EDP are consistent with the goal of obtaining a job;
 - (c) the EDP is consistent with the results of the initial assessment or reassessment;
 - (d) the component activities and support services, subject to appropriations, are available; and
 - (e) the activity is not beyond the Associate's degree level.

The Department shall document the reason(s) for disapproving an EDP.

- (6) Except for the individual who has failed to meet his or her Work Program requirements, the written EDP will be mutually agreed to and signed by the participant and a Department worker. The participant shall be given a copy of the EDP. Training or education beyond the Associate's degree level may not be included in an EDP.

An EDP shall not be considered a contract. An EDP is valid for the period stated in the plan, but not for more than 12 months unless subject to 106 CMR 207.110(C).

- (7) An individual unable to agree on the EDP may have the contents of the EDP reviewed by a supervisory Department worker.

**Transitional Aid to Families with Dependent Children
Employment Services Program****(B) Component Placement and Availability**

- (1) The participant shall self-arrange placement in a TEMP Community Service Program approved by the Department or the Department shall assign the participant to a TEMP Community Service Program placement;
- (2) The Department shall arrange a referral for the participant's placement in a component activity subject to the availability of the component activity, available program resources and acceptance by the program provider. Such referrals shall include, but not be limited to, ESP-funded component activities.
- (3) If there is no opening in a component chosen by the participant, the EDP will not be approved and the participant will be required to select another component activity.

(C) Reassessment

Participants shall be reassessed when:

- (1) a participant requests a reassessment;
- (2) a participant has completed the activities in his or her EDP;
- (3) the participant in the Full Employment Program has not obtained unsubsidized employment as specified in 106 CMR 207.180; or
- (4) the Department determines that a reassessment is needed.

The reassessment shall include, but not be limited to, examining the reasons that the participant is not employed and/or able to complete his or her component activity and determining the additional activities, if any, needed to complete the employment goal of the approved EDP. Such reassessment shall be conducted by a Department worker.

207.115: Program Participation

Except as described in 106 CMR 207.170, 106 CMR 207.180 and 106 CMR 207.185 participation in the Employment Services Program (ESP) shall be subject to the requirements specified in this section and available program resources.

(A) A participant must:

- (1) attend a program orientation;
- (2) attend an initial assessment interview;
- (3) assist in the development of an employment plan;
- (4) attend reassessment interviews, as required;
- (5) schedule the minimum hours of participation required by these regulations for each ESP component in which the participant has been enrolled in an activity except as specified in 106 CMR 207.115(B);
- (6) attend at least 75 percent of the actual scheduled hours of any ESP component activity in which he or she has been enrolled. (For a description of the ESP components see 106 CMR 207.120 to 207.180.)
- (7) provide verification of participation at time periods determined by the Department on a form prescribed by the Department.

(B) The ESP worker may waive the minimum scheduled hours of participation requirement in an Educational or Skills Training Component(s) in either or both of the following situations:

- (1) no education or skills training program consistent with the employment development plan and meeting the minimum scheduled hours of participation requirement is available; and/or
- (2) the participant is in the final stages of an education or skills training program and he or she needs less than the minimum scheduled hours for participation in order to complete the education or skills training program within six months.

207.120: Employment Services Program (ESP) Participation Components

The regulations found in 106 CMR 207.130 through 106 CMR 207.185 describe the component activities available through the Employment Services Program (ESP). Component participation is subject to available program resources and, except for the Post-Employment Services described in 106 CMR 207.185, the individual's approved Employment Development Plan (EDP). Each participant who completes an EDP must fulfill the obligations of the EDP as specified in 106 CMR 207.110. Training and education beyond the Associate's degree level shall not be included in an approved EDP.

ESP-funded training, education and Post-Employment Services may only be provided by vendors under contract with the Department and except for the Post-Employment Services described in 106 CMR 207.185 must be in accordance with the participant's approved EDP.

ESP participation may include self-initiated educational, vocational, or training programs, not funded by ESP to the extent that the programs are consistent with the regulations found in 106 CMR 207.000 through 207.180 and the participant's approved EDP. The participant must meet the Department's standards for participation, including, but not limited to, minimum scheduled hours and attendance requirements specified for the relevant component(s), and the participant must complete the self-initiated program in accordance with Department-established time frames, if any, specified for a particular component. In addition, the participant must be making satisfactory progress in the component, as defined by the provider. An ESP participant in a self-initiated program who meets the above requirements shall be eligible for Support Services in accordance with 106 CMR 207.210.

207.130: Basic Job Search and Structured Job Search

The Basic Job Search component is a program that supports individuals with their efforts to obtain and maintain employment; however, the individual has the primary responsibility for finding a job.

The Structured Job Search component is an intensive program to help individuals obtain and maintain employment.

Participation in either program is subject to available funding and the criteria specified below.

(A) Eligible Participants

- (1) The following individuals are eligible to participate in Basic Job Search:
 - (a) an applicant;
 - (b) a current recipient; and
 - (c) a former recipient closed within the past 12 months. Eligibility is limited to 12 months beyond the case closing date.
- (2) The following individuals are eligible to participate in Structured Job Search:
 - (a) a current recipient in the final three months of time-limited benefits; and
 - (b) an applicant for or recipient of an extension of time-limited benefits.

(B) Basic Job Search and Structured Job Search Activities

Activities may include, but are not limited to:

- (1) Orientation;
- (2) Assessment;
- (3) Case Management;
- (4) Job-readiness activities;
- (5) Job search activities; and
- (6) Follow-up services including activities to facilitate the transition into employment.

(C) Basic Job Search and Structured Job Search Participation Criteria:

The following are the criteria for participants in the Basic Job Search and the Structured Job Search components. The participant must:

- (1) complete an EDP in accordance with 106 CMR 207.110;
- (2) participate in a program with a minimum of six hours for Basic Job Search and 20 hours for Structured Job Search of scheduled activity per week;
- (3) attend a minimum of 75 percent of the actual program scheduled hours per week;
- (4) be making satisfactory progress as defined by the Job Search Activities Services provider; and
- (5) provide verification of participation at time periods determined by the Department in a manner prescribed by the Department.

Transitional Aid to Families with Dependent Children
Employment Services ProgramChapter 207
Page 207.140

Rev. 6/97

(1 of 3)

207.140: Educational Component

The Educational component provides educational services to a participant to prepare him or her to obtain and maintain employment. Participation is subject to available program resources, the individual's approved Employment Development Plan (EDP), and the criteria specified below.

(A) Teen Parents

A parent under the age of 20 who has not completed high school or the equivalency shall be required to participate in elementary, middle, or high school on a full-time basis or in a full-time program for a general educational development (GED) certificate and an approved training or employment-related activity for a total of 20 hours per week. The Department will provide the necessary child-care and transportation services specified in 106 CMR 207.210.

(B) Dependent Child 16 to 18 Years of Age

A dependent child 16 to 18 years of age who is not attending an elementary, middle/intermediary, or high school on a full-time basis or in a program for a general educational development (GED) certificate shall be required to participate in a basic or secondary education services.

(C) Basic and Secondary Education Services(1) Activities may include, but are not limited to:

- (a) high school curriculum;
- (b) basic literacy;
- (c) adult basic education;
- (d) General Educational Development (GED) certificate program;
- (e) English as a Second Language (ESL); and
- (f) Young Parents Program.

(2) Participation

The following are the criteria for participation in basic and secondary educational activities:

- (a) the participant shall be an active recipient; and
- (b) the participant's program must schedule at least 12 hours of activity per week, except as specified in 106 CMR 207.115(B) or 106 CMR 207.140 for teen parents; and

**Transitional Aid to Families with Dependent Children
Employment Services Program**

- (c) the participant must attend at least 75 percent of the actual scheduled hours per week; and
- (d) the participant must be making satisfactory progress as defined by the educational provider; and
- (e) the participant must not have achieved a high school diploma or its equivalent; or
- (f) the participant must have limited proficiency in English; and
- (g) the participant must provide verification of participation at time periods determined by the Department in a manner prescribed by the Department.
- (h) for purposes of the Young Parents Program, the participant must be age 14-through 20-years-old. Once a YPP participant reaches age 21, he or she may no longer participate in YPP. Enrollment is limited to age 14 through 19 years of age.

(D) Post-Secondary Education

Participation in an educational curriculum shall meet the criteria for participation in the Educational Component when:

- (1) the post-secondary education:
 - (a) is not beyond the Associate's degree level, and
 - (b) must be able to be completed within three years, and
 - (c) must be equal to or exceeding a half-time program; and
 - (d) is included in the approved EDP; and
- (2) the activities consist of a two-year program at a community college that may reasonably be expected to lead to employment in the northeast regional labor market. The northeast regional labor market is defined in the Dictionary of Occupational Titles, Occupational Outlook Handbook and Labor Market Surveys; and
- (3) the activities are creditable toward a certificate or an Associate's degree; and
- (4) the participant does not already have a post-secondary degree; and
- (5) the participant must be making satisfactory progress as defined by the educational provider; and
- (6) the participant must attend at least 75 percent of the actual scheduled hours per week; and
- (7) the participant must provide verification of participation at time periods determined by the Department and in a manner prescribed by the Department; and

Trans. by S.L. 1075

Transitional Aid to Families with Dependent Children
Employment Services Program

Chapter 207
Page 207.140

Rev. 11/95

(3 of 3)

- (8) the participant is eligible for funding for the post-secondary program from federal or state educational loans or grants or other loans to the participant.

No funds from the ESP program shall be provided for the cost of tuition, or for other school-related expenses, excluding child-care and transportation costs as specified in 106 CMR 207.210.

Education beyond an Associate's degree level shall not meet the criteria for participation in the Educational component.

207.150: Skills Training Component

The Skills Training component provides individualized vocational training needed by a participant to prepare him or her to obtain and maintain employment. Participation is subject to available program resources, the individual's approved employment development plan and the criteria specified below.

(A) Activities may include, but are not limited to:

- (1) classroom sessions;
- (2) internships;
- (3) workshops; or
- (4) vocational counseling.

(B) Participation Criteria

The following are the criteria for participation in the Skills Training Component:

- (1) the ESP participant shall be an active recipient; and
- (2) except as specified in 106 CMR 207.115(B), the ESP participant's program must schedule at least 12 hours of activity per week; and
- (3) the ESP participant must attend at least 75 percent of the actual scheduled hours per week; and
- (4) the program may include non-ESP funded post-secondary vocational training provided it is not beyond the Associate's degree level (see 106 CMR 207.120 and 207.140).

Transitional Aid to Families with Dependent Children
Employment Services ProgramChapter 207
Page 207.160

Rev. 6/98

(1 of 2)

207.160: Supported Work Component

The Supported Work component provides the individualized education, training, employment and support services that a participant needs to obtain and maintain employment. This component consists of Pre-Worksite training and Worksite placement. Participation is subject to available program resources, the participant's approved Employment Development Plan and the criteria specified below.

(A) Pre-Worksite Training

A participant in Pre-Worksite training may engage in the following activities to prepare him or her to obtain and maintain employment.

(1) Activities may include, but are not limited to:

- (a) orientation;
- (b) assessment;
- (c) training in job search techniques;
- (d) job retention strategies;
- (e) resume preparation;
- (f) job development and placement services; and
- (g) other job-related training such as vocational skills training, English for Employment and basic literacy instruction.

(2) Participation Criteria

The following are the criteria for participation in Pre-Worksite training:

- (a) a participant shall be an active, nonexempt recipient or an exempt recipient as determined by the Department;
- (b) a participant may engage in a Pre-Worksite training on a full-time or part-time basis but the ESP participant's program must schedule at least 20 hours of activity per week; and
- (c) the ESP participant must attend at least 75 percent of the actual scheduled hours per week.

Transitional Aid to Families with Dependent Children
Employment Services Program(B) Worksite Placement

- (1) A participant who has completed at least 40 hours of Pre-Worksite training shall participate in Worksite employment.

An eligible participant shall engage in a highly supervised, subsidized or unsubsidized job placement with a public or private sector worksite.

- (2) The following are the criteria for participation in Worksite employment:
 - (a) participation in Worksite employment shall be full-time based on Department-established standards of at least 30 hours per week; or
 - (b) if 30 hours of Worksite employment is not available, full-time participation may include a combination of training or education programs offered by the Supported Work contractor and a minimum of 20 hours of employment at a Worksite.
- (3) TAFDC eligibility for Worksite participants shall be determined considering the following;
 - (a) an individual who is participating in Worksite employment shall be paid by either the Supported Work contractor if it is a subsidized placement or by the Worksite employer if it is an unsubsidized placement;
 - (b) wages received through Worksite employment are considered earned income; and
 - (c) the grant of a Worksite participant shall be calculated in accordance with 106 CMR 204.500.

However, if the financial eligibility of a participant in a Worksite ceases due to an increase in Worksite earnings, the TAFDC case shall remain open at a "zero" grant for the duration of the Worksite employment and the participant and all members of the assistance unit shall be considered to be receiving assistance.

**Transitional Aid to Families with Dependent Children
Employment Services Program****Rev. 9/2003****(1 of 2)****207.170: TEMP Community Service Program Component**

An individual who is eligible for TAFDC may participate in the TEMP Community Service Program component as specified below. Participation is subject to available program resources and the individual's approved EDP, if applicable.

(A) Activities

Activities include:

- (1) Twenty hours or more per week in an uncompensated volunteer TEMP Community Service Program placement(s) in a public, quasi-public or nonprofit organization, except that such placement cannot be in the office of an individual candidate's campaign for public office.

Participation hours should correspond with the dependent child's school hours, when all the dependent children are mandatory full-time school age.

- (2) A combination of employment and community service when the applicant or recipient is employed fewer than 20 hours per week. The number of hours of community service required is the difference between the required 20 hours of community service and the number of hours employed.

A participant's TEMP Community Service Program placement may be changed at the Department's discretion. The Director or his or her designee must approve any change in TEMP Community Service Program placement.

(B) Participation Criteria

- (1) The following individuals may be participants in the TEMP Community Service Program component:
 - (a) an individual who volunteers for the TEMP Community Service Program;
 - (b) an individual unable to obtain a job fulfills the work program requirement by participating in the TEMP Community Service Program;
 - (c) an individual is mandated to participate in the TEMP Community Service Program due to failure to meet another work program requirement.
- (2) The TEMP Community Service Program component participant shall:
 - (a) self-arrange a volunteer TEMP Community Service Program placement(s) approved by the Department; or
 - (b) select a volunteer TEMP Community Service Program placement(s) identified by the Department; or

- (c) accept a Department-assigned volunteer TEMP Community Service Program placement(s) within 10 days when the participant has not selected one of the participation options in 106 CMR 207.170(B)(1) or (B)(2).

(C) Participation Requirements

The TEMP Community Service Program participant must:

- (1) attend the actual scheduled hours per week as specified in 106 CMR 207.170(A); and
- (2) be performing satisfactorily in this component, as defined by the provider; and
- (3) provide verification of placement and/or participation at time periods determined by the Department on a form prescribed by the Department.

Transitional Aid to Families with Dependent Children
Employment Services Program207.180: Full Employment Program

The Full Employment Program (FEP) component provides the individual with work experience needed to obtain an unsubsidized job. Individuals will receive a subsidized wage in lieu of TAFDC and Food Stamp benefits.

(A) Activities

Activities in the Full Employment Program include:

- (1) full-time employment of 35 to 40 hours per week as defined by the employer; and
- (2) completion of an EDP as specified in 106 CMR 207.110.

(B) Participation Criteria

The following are the criteria for participants in the Full Employment Program:

- (1) the individual may volunteer to participate in FEP;
- (2) the individual may meet the work program requirements by participating in the Full Employment Program;
- (3) the individual or the employer may terminate the placement by contacting the Department worker;
- (4) if after six months the individual has not obtained an unsubsidized job, the EDP may be reassessed;
- (5) if after nine months the individual has not obtained an unsubsidized job, the EDP shall be reassessed;
- (6) if after twelve months the individual has not obtained an unsubsidized job, the EDP shall be reassessed and the individual may be reassigned to another employer in the Full Employment Program.

(C) Benefits of the Full Employment Program

A participant in the Full Employment Program shall:

- (1) receive a per hour wage from the employer equal to the current state minimum wage or current federal minimum wage, as applicable;
- (2) remain eligible for MassHealth;
- (3) have an Individual Asset Account established in which \$1 will be credited for each hour the participant works. The funds from the Individual Asset Account shall be paid to the participant following his or her termination from the Full Employment Program. This amount shall be in addition to the wage received from the employer;

**Transitional Aid to Families with Dependent Children
Employment Services Program**

- (4) receive training experience or on-the-job training;
- (5) be entitled to sick leave, vacations, and other benefits provided to other new employees;
- (6) be considered to be an employee of the individual employer providing the employment and shall be entitled to all benefits required by state and federal law;
- (7) be eligible for workers' compensation, when appropriate;
- (8) be eligible for transitional child-care services (TCC) and transitional medical assistance (TMA) for 12 months when the TAFDC case is terminated due to earnings.

(D) Impact on TAFDC and Food Stamp Benefits

- (1) The assistance unit shall receive a supplement payment when the Full Employment Program gross income minus 20 percent and minus the allowable dependent care deduction, as specified in 106 CMR 204.275, is less than the combination of the TAFDC and Food Stamp benefits that the assistance unit would have received, based on the size of the assistance unit and any other income. The amount of the supplement payment is the result of the above calculation.
- (2) The Individual Asset Account established for the participant is a noncountable asset until such time as the participant receives the funds upon termination of FEP employment.

See 106 CMR 204.140(Y): Noncountable Assets and 204.120(K): Countable Assets.

**Transitional Aid to Families with Dependent Children
Employment Services Program****207.185: Post-Employment Services Component**

The Post-Employment Services component is a voluntary program to provide current and former recipients with services that lead to career advancement and employment stability.

Participation is subject to the requirements specified in this section and the availability of funding and resources. The Department shall determine eligibility for and authorize receipt of Post-Employment Services. Post-Employment Services may only be provided by service providers under contract with the Department and may vary by service provider. Post-Employment Services may only be provided if services are otherwise unavailable (including services provided by the Access to Jobs program and the Welfare-to-Work program).

(A) Eligible Participants

The following individuals are eligible to participate in the Post-Employment Services component:

- (1) current and former TAFDC recipients who are working; and
- (2) current and former recipients who are in the job search phase of a Department-approved job readiness or employment activity.

In order to participate, the individual must first be accepted for participation by the authorized Post-Employment Services provider.

Eligibility for the Post-Employment Services component is limited to 12 months beyond the case closing date.

(B) Services

Services in the Post-Employment Services component may include, but are not limited to:

- (1) transition support services;
- (2) employee work force retention services;
- (3) skills and educational advancement services; and
- (4) re-employment and job upgrade services.

(C) Participation Criteria

The following are the criteria for participation in the Post-Employment Services component.

- (1) The individual is accepted for participation in the Post-Employment Services component by the Post-Employment Services provider;
- (2) The individual must attend a program orientation as required by the service provider;
- (3) The individual must attend case management sessions as required by the service provider; and
- (4) The individual must participate in Post-Employment Services activities as scheduled by the service provider.

The individual may terminate participation by notifying their Post-Employment Services provider.

207.200: Failure to Meet Employment Development Plan (EDP) Requirements or the Work Program Requirements

An individual who, without good cause as specified in 106 CMR 701.380, fails to meet the work program requirements or fails to fulfill the obligations of the EDP, excluding a recipient who is in receipt of an extension of benefits beyond the 24-month period as specified in 106 CMR 203.200 et seq., shall be sanctioned according to the following:

(A) Consequences of Failure to Fulfill EDP Obligations

- (1) Upon the first failure to fulfill an obligation of the EDP, the individual is given a written warning of the consequences of subsequent failures.
- (2) Upon the second or subsequent failure to fulfill an obligation of the EDP, the individual is mandated to participate in the TEMP Community Service Program (TEMP). The EDP is updated.
- (3) Upon the first failure to participate in mandated participation in TEMP, the individual is ineligible for assistance until the individual meets the Work Program requirement, if applicable, or for at least 20 hours per week, begins or resumes participation in TEMP, obtains a job for compensation, or both, for a period of two consecutive weeks.
- (4) Upon the second or subsequent failure of a grantee to participate in mandated participation in TEMP, the assistance unit is ineligible for assistance until the individual meets the Work Program requirements, if applicable, or for at least 20 hours per week, begins or resumes participation in TEMP, obtains a job for compensation, or both, for a period of two consecutive weeks.
- (5) Assistance to the remaining member(s) of the assistance unit shall be in the form of vendor payments to the extent possible.

(B) Consequences of Failure to Comply with Work Program Requirements

- (1) Upon the first failure to comply with the Work Program requirements, excluding the Full Employment Program, the individual:
 - (a) is mandated to participate in TEMP and the EDP is completed; and
 - (b) is ineligible for assistance until the individual meets the Work Program requirements, if applicable, or for at least 20 hours per week, begins or resumes participation in TEMP, obtains a job for compensation, or both, for a period of two consecutive weeks.

Transitional Aid to Families with Dependent Children
Employment Services Program

Chapter 207

Rev. 1/2003

(2 of 2)

Page 207.200

In a two-parent assistance unit both parents are ineligible for assistance until both parents meet the Work Program requirements, if applicable, or obtain a job of at least 20 hours per week for compensation for two consecutive weeks unless only one parent is required to meet the Work Program requirements. In this situation only the one parent who fails to meet his or her Work Program requirements is ineligible.

- (2) Upon the first failure to participate in mandated participation in the TEMP Community Service Program (TEMP), the individual is ineligible for assistance until the individual meets the Work Program requirements, if applicable, or for at least 20 hours per week, begins or resumes participation in TEMP, obtains a job for compensation, or both, for a period of two consecutive weeks.

- (3) RESERVED

- (4) Assistance to the remaining member(s) of the assistance unit shall be in the form of vendor payments to the extent possible.

(C) Consequences of Failure to Obtain a Job Through Full Employment Program

- (1) An individual failing after three attempts to obtain a job through the Full Employment Program, without good cause as specified in 106 CMR 701.380, shall be mandated to participate in the TEMP Community Service Program (TEMP). The EDP is updated.
- (2) Upon the first failure to participate in mandated participation in the TEMP Community Service Program (TEMP), the individual is ineligible for assistance until the individual meets the Work Program requirement, if applicable, or for at least 20 hours per week, begins or resumes participation in TEMP, obtains a job of for compensation, or both, for a period of two consecutive weeks.
- (3) After the second or subsequent failure by a grantee to participate in mandated participation in TEMP, the assistance unit is ineligible for assistance until the individual meets the Work Program requirements, if applicable, or for at least 20 hours per week, begins or resumes participation in TEMP, obtains a job for compensation, or both, for a period of two consecutive weeks.
- (4) Assistance to the remaining member(s) of the assistance unit shall be in the form of vendor payments to the extent possible.

207.205: Restoration of TAFDC Benefits and ESP Participation

To restore eligibility for TAFDC when the individual or the assistance unit is determined ineligible for TAFDC as specified in 106 CMR 207.200, the individual must begin or resume participation in the ESP component or obtain a job of at least 20 hours per week for a period of two consecutive weeks, or be determined exempt in accordance with 106 CMR 203.100 or have good cause as specified in 106 CMR 701.380.

The Department shall notify the individual as to how the individual can end ineligibility and request restoration of TAFDC benefits. Individuals may request restoration of TAFDC benefits at any time.

(A) For a request for restoration within five calendar days of the date of ineligibility:

if the individual or assistance unit is determined to be eligible for TAFDC upon request for restoration of TAFDC benefits, the grant shall be increased or restored retroactive to the date of ineligibility provided that:

- (1) the individual requests restoration of TAFDC benefits within five calendar days of the date of ineligibility; and
- (2) the individual meets the ESP participation requirements or employment for two consecutive weeks.

(B) For a request for restoration of TAFDC benefits more than five calendar days after the date of ineligibility:

if the individual does not request restoration of TAFDC benefits within five calendar days of the date of ineligibility and the individual or assistance unit is determined to be eligible, the date of TAFDC eligibility shall be the date of the request for restoration of TAFDC benefits, if all other eligibility conditions are met, but only after the individual has participated in the ESP component or employment for two consecutive weeks.

**Transitional Aid to Families with Dependent Children
Employment Services Program****Chapter 207
Page 207.210****Rev. 6/2002****(1 of 7)**

207.210: Employment Services Program Support Services**(A) (1) Child Care Eligibility**

The Department shall determine eligibility for child care services for individuals who have an approved Employment Development Plan or Extension Agreement and who meet the participation requirements of 106 CMR 207.115, or who are former recipients in accordance with 106 CMR 207.210(A)(1)(f) regardless of whether they do or do not have an approved Employment Development Plan.

The following individuals shall be eligible for child care services:

- (a) an employed TAFDC grantee or a teen parent who is not the grantee, who:
 - 1. is included in the assistance unit, or
 - 2. would be included in the assistance unit but for a sanction due to child support in accordance with 106 CMR 203.700 or immunization requirements in accordance with 106 CMR 203.800 and who is subject to the Work Program requirements in accordance with 106 CMR 203.400.

Such child care services may be authorized as long as the individual remains employed and a recipient of TAFDC.

- (b) a TAFDC grantee or a teen parent who is not the grantee who is required to participate in an ESP component activity or has volunteered to participate in an ESP component, including self-initiated educational activities as included in the Employment Development Plan and who:
 - 1. is included in the assistance unit, or
 - 2. would be included in the assistance unit but for a sanction due to child support in accordance with 106 CMR 203.700 or immunization requirements in accordance with 106 CMR 203.800 and who is subject to the Work Program requirements in accordance with 106 CMR 203.400.

**Transitional Aid to Families with Dependent Children
Employment Services Program**

- (c) a teen parent receiving SSI or a teen parent for whom state and/or federal foster-care maintenance payments are being provided, and receives TAFDC for his or her children.
- (d) a grantee who is no longer receiving TAFDC benefits, but is meeting participation standards for an ESP education or training activity that began prior to case closing. These services shall last no longer than the completion date of the ESP education or training activity or six months beyond the case closing date, whichever is sooner.
- (e) an ineligible TAFDC grantee due to his or her noncitizen status, but who is required by the Department to participate in the Community Service component of ESP in accordance with 106 CMR 203.400(A).
- (f) a former TAFDC grantee who is currently employed and whose TAFDC case closed within the prior 12 months. A grantee who is terminated from TAFDC shall be eligible to receive authorization for Transitional Child Care services for any time during the 12 consecutive months from the case closing date regardless of his or her ESP participation when:
 - 1. he or she is actively employed;
 - 2. he or she cooperates with the child support enforcement requirements, unless good cause for refusing to cooperate is determined to exist in accordance with 106 CMR 203.740; and
 - 3. all necessary information for determining eligibility has been provided.
- (g) an individual who is ineligible for TAFDC in accordance with 106 CMR 701.110(D), who has a dependent child receiving TAFDC and who is:
 - 1. employed; or
 - 2. subject to the Work Program requirements in accordance with 106 CMR 203.400; or
 - 3. required to participate in an ESP component activity or has volunteered to participate in an ESP component, including self-initiated educational activities as included in the Employment Development Plan.

If child care payment is provided by some other source, such as child care provided as part of a WIA Title I-funded education, skills training program or VISTA, the individual shall not be considered, by the Department, to be eligible for child care.

Transitional Aid to Families with Dependent Children
Employment Services Program

Chapter 207

Rev. 6/2002

(3 of 7)

Page 207.210

(2) Child Care Authorization While Waiting to Start an Activity

Child care services may be authorized for a period not to exceed two weeks while waiting to start an activity and/or a period not to exceed one month in which child care arrangements would be lost and a subsequent component activity or the resumption of the current activity is scheduled to begin within the month.

This provision includes:

- (a) individuals in accordance with 106 CMR 207.210(A)(1),
- (b) individuals who are work-sanctioned and trying to cure the sanction, and
- (c) individuals who have applied for an extension of benefits beyond the 24-month period in accordance with 106 CMR 203.210 and who are meeting the Basic Job Search or Structured Job Search requirements in accordance with 106 CMR 207.130.

(3) Child Care Eligibility for ESP Participants, Employed Recipients or Employed Former Recipients

An ESP participant, employed recipient or employed former recipient may receive child care services for his or her dependent child, a child ineligible for TAFDC due to the Family Cap provisions specified in 106 CMR 203.300, or foster child, any of whom is (1) under the age of 13; (2) age 13 or older and physically or mentally incapable of caring for himself or herself, as certified by a competent medical authority as defined in 106 CMR 701.600; (3) under court supervision; or (4) an SSI child in the home who, except for SSI eligibility, would be eligible for TAFDC as a dependent child.

(4) Sources and Payment of Child Care Services

Child care services shall be arranged through or coordinated by designated agencies under contract with the Office of Child Care Services. The child care options shall be explained to the individual by the agencies under contract with the Office of Child Care Services. Payment for child care services shall be made by the Office of Child Care Services in accordance with its regulations and policies.

Transitional Aid to Families with Dependent Children
Employment Services Program

Chapter 207

Rev. 6/2002

(4 of 7)

Page 207.210

(5) Verification

An ESP participant, employed recipient or former recipient must submit verification of participation or wage verification and receipt of child care services to the Department at time periods determined by the Department on a form prescribed by the Department and signed by the employed recipient, former recipient or the participant and the provider of the component activity for an ESP participant.

(6) Termination or Denial of Child Care Eligibility

The Department may terminate or deny eligibility for child care services for circumstances including, but not limited to, the following:

- (a) the ESP participant no longer meets the participation requirements as specified in 106 CMR 207.115; or
- (b) the former recipient is no longer employed.

When the Department terminates or reduces eligibility for child care services, the Department shall send the applicant, recipient, or former recipient and the regional child care resource and referral agency, or other authority designated by the Office of Child Care Services a timely notice of the termination or reduction in eligibility for child care services, in accordance with 106 CMR 343.140. The applicant, recipient, or former recipient may appeal any reduction or termination of child care eligibility, in accordance with 106 CMR 343.230 and 106 CMR 343.250. When an appeal is received within the advance notice period, the benefits may be provided in accordance with 106 CMR 343.250 and 106 CMR 343.640. Assistance provided pending the appeal is subject to recoupment by the Office of Child Care Services. The applicant, recipient or former recipient may not appeal to the Department any issue regarding payment for child care.

When child care authorizations are denied, the applicant, recipient, or former recipient shall be sent a notice of denial and of the right to appeal in accordance with 106 CMR 343 *et seq.*

The only appealable issue shall be whether or not the applicant, recipient or former recipient is eligible for child care, as provided in 106 CMR 207.210(A).

Transitional Aid to Families with Dependent Children
Employment Services Program(B) Transportation Payments(1) Eligibility

Transportation payments shall be provided to ESP participants who have an approved employment development plan, to the extent that resources permit, and subject to:

- (a) meeting the participation requirements specified in 106 CMR 207.115;
- (b) not receiving or eligible to receive transportation payments for the same costs from some other source, such as a WIA Title I-funded program or an educational loan or grant;
- (c) meeting participation standards for an ESP education or training activity whose duration has lasted beyond the end of the 24-month time-limited benefits. These payments shall last no longer than 60 days beyond the end of the 24-month time-limited benefits;
- (d) the limit set forth below; and
- (e) verification of participation.

(2) Allowable Costs

The allowable costs for transportation payments shall be determined in accordance with (a) or (b) below for the ESP participant who meets the conditions specified in 106 CMR 207.210(B)(1).

- (a) The transportation payment for participants using public bus or rail shall be for the verified actual cost to the participant of transportation to and from the activity, plus the cost, if any, to the participant of transporting a dependent(s) to and from dependent care. The payment shall be based on the actual cost of transportation to the participant per month of verified participation. The total payment for allowable transportation costs shall not exceed an amount determined by the Department.
- (b) The transportation payment for participants using any means other than public bus or rail shall be in accordance with the provider's contract with the Department.

(3) Verification

- (a) Participants who arrange transportation to and from the activity(ies), as specified in 106 CMR 207.210(B)(1), by public bus or rail shall provide the following verifications:
 - 1. At the start of the activity(ies), the actual cost of transportation shall include the cost of transporting dependents to and from dependent care and shall be based on the means of transportation and the number of days of the activity(ies); and
 - 2. Thereafter, verification of participation in the activity(ies), as specified in 106 CMR 207.210(B)(1), shall be on a form prescribed by the Department to be signed by the participant and provider of the component activity(ies) each month.
- (b) Participants who arrange transportation to and from the activity(ies), as specified in 106 CMR 207.210(B)(1), by any means other than public bus or rail are provided transportation payments to and from a component activity by a transportation provider under contract with the Department. These participants shall provide the following verifications:
 - 1. At the start of the activity(ies), verification that transportation to and from the component activity(ies) shall be provided by a transportation provider under contract with the Department and the number of days in a month of the component activity(ies). This verification shall be submitted to a Department worker once unless the ESP participant's circumstances change; and
 - 2. Thereafter, verification of participation in the activity(ies), as specified in 106 CMR 207.210(B)(1), shall be on a form prescribed by the Department to be signed by the participant and provider of the component activity each month.

(4) Payment of Transportation Costs

Payment of transportation costs shall be in accordance with the following:

- (a) the authorization for and payment of transportation by public bus or rail shall be made by the Department in accordance with the provisions of 106 CMR 207.210(B), provided however, that the ESP participant is responsible for the actual cost of transportation he or she uses; or
- (b) the authorization for and payment of transportation for any means other than public bus or rail shall be made by the transportation provider under contract with the Department and shall be in accordance with the transportation provider's contract.

207.230: ESP Educational Component and Child-Care Services for Nonrecipient Minor Parent Under Age 18

A state-funded program shall provide a nonrecipient minor parent under 18 years of age with participation in the ESP Educational Component provided that participation shall be limited to high school or a GED program and services shall be limited to ESP child care for his or her dependent child(ren) while he or she is attending high school or a GED program. The minor parent must meet all of the conditions specified below:

- (A) the minor parent and his or her dependent child(ren) are living with his or her natural or adoptive parent(s);
- (B) the minor parent is attending high school or a GED program on a full-time basis;
- (C) the noncitizen minor parent meets the noncitizen criteria as specified in 106 CMR 203.675; and
- (D) the gross income of the parent(s) of the minor parent with whom he or she lives does not exceed 200 percent of the Federal Poverty Level as specified in 106 CMR 204.236(A)(1)(b). To determine the appropriate Federal Poverty Level Standard, the assistance unit must include the minor parent, his or her dependent child(ren), the natural or adoptive parent(s) of the minor parent with whom he or she is living, and any siblings or half-siblings of the minor parent under 18 years of age living in the same home. If the minor parent is unable to obtain income verification from his or her parent(s), a self-declaration from the minor parent that his or her parent(s) has refused to provide the income verification may be accepted to establish financial eligibility.

Trans. by S.L. 1075

Transitional Aid to Families with Dependent Children
Employment Services Program

Chapter 207
Page 207.250

Rev. 11/95

207.250: Appeals

If an individual's assistance is denied, reduced, or terminated as a result of a failure or refusal to cooperate with the requirements of the Employment Services Program (ESP), the individual shall be afforded an opportunity for a fair hearing in accordance with the provisions of 106 CMR 343: Fair Hearing Rules.

The individual maintains the right to request a fair hearing regarding his or her ESP status and/or participation during any phase of the ESP program.